

IC 20-33-2

Chapter 2. Compulsory School Attendance

IC 20-33-2-1

Legislative intent

Sec. 1. The legislative intent for this chapter is to provide an efficient and speedy means of insuring that students receive a proper education whenever it is reasonably possible.

As added by P.L.1-2005, SEC.17.

IC 20-33-2-2

"School year"

Sec. 2. For the purposes of this chapter, "school year" has the meaning set forth in IC 21-2-12-3(h).

As added by P.L.1-2005, SEC.17.

IC 20-33-2-3

Application

Sec. 3. This chapter applies to each situation that involves any of the following:

- (1) A person less than eighteen (18) years of age who is domiciled in Indiana.
- (2) A person less than eighteen (18) years of age who:
 - (A) is not domiciled in Indiana; and
 - (B) intends to remain in Indiana for a period established by rule of the state board.
- (3) A student:
 - (A) who is less than eighteen (18) years of age;
 - (B) whose behavior has resulted in an expulsion from school; and
 - (C) who is assigned to attend:
 - (i) an alternative school; or
 - (ii) an alternative educational program.

As added by P.L.1-2005, SEC.17.

IC 20-33-2-4

Compulsory attendance

Sec. 4. Subject to the specific exceptions under this chapter, a student shall attend either:

- (1) a public school that the student is entitled to attend under IC 20-26-11; or
- (2) another school taught in the English language.

As added by P.L.1-2005, SEC.17.

IC 20-33-2-5

Days of attendance

Sec. 5. A student for whom education is compulsory under this chapter shall attend school each year for the number of days public schools are in session:

- (1) in the school corporation in which the student is enrolled in

Indiana; or

(2) where the student is enrolled if the student is enrolled outside Indiana.

As added by P.L.1-2005, SEC.17.

IC 20-33-2-6

Students required to attend

Sec. 6. A student is bound by the requirements of this chapter from the earlier of the date on which the student officially enrolls in a school or, except as provided in section 8 of this chapter, the beginning of the fall school term for the school year in which the student becomes seven (7) years of age until the date on which the student:

- (1) graduates;
- (2) becomes eighteen (18) years of age; or
- (3) becomes sixteen (16) years of age but is less than eighteen (18) years of age and the requirements under section 9 of this chapter concerning an exit interview are met enabling the student to withdraw from school before graduation;

whichever occurs first.

As added by P.L.1-2005, SEC.17. Amended by P.L.242-2005, SEC.17.

IC 20-33-2-7

Minimum age for kindergarten enrollment; appeals

Sec. 7. (a) In addition to the requirements of sections 4 through 6 of this chapter, a student must be at least five (5) years of age on:

- (1) July 1 of the 2005-2006 school year; or
- (2) August 1 of the 2006-2007 school year or any subsequent school year;

to officially enroll in a kindergarten program offered by a school corporation. However, subject to subsection (c), the governing body of the school corporation shall adopt a procedure affording a parent of a student who does not meet the minimum age requirement set forth in this subsection the right to appeal to the superintendent for enrollment of the student in kindergarten at an age earlier than the age set forth in this subsection.

(b) In addition to the requirements of sections 4 through 6 of this chapter and subsection (a), and subject to subsection (c), if a student enrolls in school as allowed under section 6 of this chapter and has not attended kindergarten, the superintendent shall make a determination as to whether the student shall enroll in kindergarten or grade 1 based on the particular model assessment adopted by the governing body under subsection (c).

(c) To assist the principal and governing bodies, the department shall do the following:

- (1) Establish guidelines to assist each governing body in establishing a procedure for making appeals to the superintendent under subsection (a).
- (2) Establish criteria by which a governing body may adopt a

model assessment that may be used in making the determination under subsection (b).

As added by P.L.1-2005, SEC.17. Amended by P.L.246-2005, SEC.177.

IC 20-33-2-8

Students not bound by requirements

Sec. 8. A student is not bound by the requirements of this chapter until the student becomes seven (7) years of age, if, upon request of the superintendent of the school corporation, the parent of a student who would otherwise be subject to compulsory school attendance under section 6 of this chapter certifies to the superintendent that the parent intends to:

- (1) enroll the student in a nonaccredited, nonpublic school; or
- (2) begin providing the student with instruction equivalent to that given in the public schools as permitted under section 28 of this chapter;

not later than the date on which the student becomes seven (7) years of age.

As added by P.L.1-2005, SEC.17.

IC 20-33-2-9

Exit interviews; withdrawal requirements

Sec. 9. (a) The governing body of each school corporation shall designate the appropriate employees of the school corporation to conduct the exit interviews for students described in section 6(a)(3) of this chapter. Each exit interview must be personally attended by:

- (1) the student's parent;
- (2) the student;
- (3) each designated appropriate school employee; and
- (4) the student's principal.

(b) A student who is at least sixteen (16) years of age but less than eighteen (18) years of age is bound by the requirements of compulsory school attendance and may not withdraw from school before graduation unless:

- (1) the student, the student's parent, and the principal agree to the withdrawal; and
- (2) at the exit interview, the student provides written acknowledgment of the withdrawal and the:

(A) student's parent; and

(B) school principal;

each provide written consent for the student to withdraw from school.

As added by P.L.1-2005, SEC.17.

IC 20-33-2-10

Enrollment documentation; notice to clearinghouse for information on missing children

Sec. 10. (a) Each public school shall and each private school may require a student who initially enrolls in the school to provide:

(1) the name and address of the school the student last attended;
and

(2) a certified copy of the student's birth certificate or other reliable proof of the student's date of birth.

(b) Not more than fourteen (14) days after initial enrollment in a school, the school shall request the student's records from the school the student last attended.

(c) If the document described in subsection (a)(2):

(1) is not provided to the school not more than thirty (30) days after the student's enrollment; or

(2) appears to be inaccurate or fraudulent;

the school shall notify the Indiana clearinghouse for information on missing children established under IC 10-13-5-5 and determine if the student has been reported missing.

(d) A school in Indiana receiving a request for records shall send the records promptly to the requesting school. However, if a request is received for records to which a notice has been attached under IC 31-36-1-5 (or IC 31-6-13-6 before its repeal), the school:

(1) shall immediately notify the Indiana clearinghouse for information on missing children;

(2) may not send the school records without the authorization of the clearinghouse; and

(3) may not inform the requesting school that a notice under IC 31-36-1-5 (or IC 31-6-13-6 before its repeal) has been attached to the records.

As added by P.L.1-2005, SEC.17.

IC 20-33-2-11

Habitual truants ineligible for operator's license or learner's permit; minimum definition of "habitual truant"

Sec. 11. (a) Notwithstanding IC 9-24 concerning the minimum requirements for qualifying for the issuance of an operator's license or a learner's permit, and subject to subsections (c) through (e), an individual who is:

(1) at least thirteen (13) years of age but less than fifteen (15) years of age;

(2) a habitual truant under the definition of habitual truant established under subsection (b); and

(3) identified in the information submitted to the bureau of motor vehicles under subsection (f);

may not be issued an operator's license or a learner's permit to drive a motor vehicle under IC 9-24 until the individual is at least eighteen (18) years of age.

(b) Each governing body shall establish and include as part of the written copy of its discipline rules described in IC 20-33-8-12:

(1) a definition of a child who is designated as a habitual truant, which must, at a minimum, define the term as a student who is chronically absent, by having unexcused absences from school for more than ten (10) days of school in one (1) school year;

(2) the procedures under which subsection (a) will be

administered; and

(3) all other pertinent matters related to this action.

(c) An individual described in subsection (a) is entitled to the procedure described in IC 20-33-8-19.

(d) An individual described in subsection (a) who is at least thirteen (13) years of age and less than eighteen (18) years of age is entitled to a periodic review of the individual's attendance record in school to determine whether the prohibition described in subsection (a) shall continue. The periodic reviews may not be conducted less than one (1) time each school year.

(e) Upon review, the governing body may determine that the individual's attendance record has improved to the degree that the individual may become eligible to be issued an operator's license or a learner's permit.

(f) Before:

(1) February 1; and

(2) October 1;

of each year the governing body of the school corporation shall submit to the bureau of motor vehicles the pertinent information concerning an individual's ineligibility under subsection (a) to be issued an operator's license or a learner's permit.

(g) The department shall develop guidelines concerning criteria used in defining a habitual truant that may be considered by a governing body in complying with subsection (b).

As added by P.L.1-2005, SEC.17. Amended by P.L.242-2005, SEC.18.

IC 20-33-2-12

Nonpublic, nonaccredited, and nonapproved schools; curriculum or content requirements; student enrollment or participation

Sec. 12. (a) A school that is:

(1) nonpublic;

(2) nonaccredited; and

(3) not otherwise approved by the state board;

is not bound by any requirements set forth in IC 20 or IC 21 with regard to curriculum or the content of educational programs offered by the school.

(b) This section may not be construed to prohibit a student who attends a school described in subsection (a) from enrolling in a particular educational program or participating in a particular educational initiative offered by an accredited public, nonpublic, or state board approved nonpublic school if:

(1) the governing body or superintendent, in the case of the accredited public school; or

(2) the administrative authority, in the case of the accredited or state board approved nonpublic school;

approves the enrollment or participation by the student.

As added by P.L.1-2005, SEC.17.

IC 20-33-2-13

High school transcripts; required contents

Sec. 13. (a) A school corporation shall record or include the following information in the official high school transcript for a student in high school:

- (1) Attendance records.
- (2) The student's latest ISTEP program test results under IC 20-32-5.
- (3) Any secondary level and postsecondary level certificates of achievement earned by the student.
- (4) Immunization information from the immunization record the student's school keeps under IC 20-34-4-1.

(b) A school corporation may include information on a student's high school transcript that is in addition to the requirements of subsection (a).

As added by P.L.1-2005, SEC.17.

IC 20-33-2-14**Attendance exception; service as a page for or as an honoree of the general assembly**

Sec. 14. (a) This section and sections 15 through 17 of this chapter apply to a student who attends either a public school or a nonpublic school.

(b) Service as a page for or as an honoree of the general assembly is a lawful excuse for a student to be absent from school, when verified by a certificate of the secretary of the senate or the chief clerk of the house of representatives. A student excused from school attendance under this section may not be recorded as being absent on any date for which the excuse is operative and may not be penalized by the school in any manner.

As added by P.L.1-2005, SEC.17.

IC 20-33-2-15**Attendance exception; service on precinct election board or for political candidates or parties**

Sec. 15. (a) The governing body of a school corporation and the chief administrative official of a nonpublic secondary school system shall authorize the absence and excuse of each secondary school student who serves:

- (1) on the precinct election board; or
- (2) as a helper to a political candidate or to a political party on the date of each general, city or town, special, and primary election at which the student works.

(b) Before the date of the election, the student must submit a document signed by one (1) of the student's parents giving permission to participate in the election as provided in this section, and the student must verify to school authorities the performance of services by submitting a document signed by the candidate, political party chairman, campaign manager, or precinct officer generally describing the duties of the student on the date of the election. A student excused from school attendance under this section may not

be recorded as being absent on any date for which the excuse is operative and may not be penalized by the school in any manner.

As added by P.L.1-2005, SEC.17.

IC 20-33-2-16

Attendance exception; witness in judicial proceeding

Sec. 16. The governing body of a school corporation or the chief administrative officer of a nonpublic school system shall authorize the absence and excuse of a student who is issued a subpoena to appear in court as a witness in a judicial proceeding. A student excused under this section shall not be recorded as being absent on any date for which the excuse is operative and shall not be penalized by the school in any manner. The appropriate school authority may require that the student submit the subpoena to the appropriate school authority for verification.

As added by P.L.1-2005, SEC.17.

IC 20-33-2-17

Attendance exception; duty with Indiana National Guard

Sec. 17. The governing body of a school corporation or the chief administrative officer of a nonpublic school system shall authorize the absence and excuse of each secondary school student who is ordered to active duty with the Indiana National Guard for not more than ten (10) days in a school year. For verification, the student must submit to school authorities a copy of the orders to active duty and a copy of the orders releasing the student from active duty. A student excused from school attendance under this section may not be recorded as being absent on any date for which the excuse is operative and may not be penalized by the school in any manner.

As added by P.L.1-2005, SEC.17.

IC 20-33-2-18

Parent to produce certificate of child's incapacity on demand

Sec. 18. (a) If a parent of a student does not send the student to school because of the student's illness or mental or physical incapacity, it is unlawful for the parent to fail or refuse to produce a certificate of the illness or incapacity for an attendance officer not later than six (6) days after the certificate is demanded.

(b) The certificate required under this section must be signed by:

- (1) an Indiana physician;
- (2) an individual holding a license to practice osteopathy or chiropractic in Indiana; or
- (3) a Christian Science practitioner who resides in Indiana and is listed in the Christian Science Journal.

As added by P.L.1-2005, SEC.17.

IC 20-33-2-19

Attendance; public school children; religious instruction

Sec. 19. (a) When the parent of a student who is enrolled in a public school makes a written request, the principal may allow the

student to attend a school for religious instruction that is conducted by a church, an association of churches, or an association that is organized for religious instruction and incorporated under Indiana law.

(b) If a principal grants permission under subsection (a), the principal shall specify a period or periods, not to exceed one hundred twenty (120) minutes in total in any week, for the student to receive religious instruction. The permission is valid only for the year in which it is granted. Decisions made by a principal under this section may be reviewed by the superintendent.

(c) A school for religious instruction that receives students under this section:

(1) shall maintain attendance records and allow inspection of these records by attendance officers; and

(2) may not be supported, in whole or in part, by public funds.

(d) A student who attends a school for religious instruction under this section shall receive the same attendance credit that the student would receive for attendance in the public schools for the same length of time.

As added by P.L.1-2005, SEC.17.

IC 20-33-2-20

Attendance records

Sec. 20. (a) An accurate daily record of the attendance of each student who is subject to compulsory school attendance under this chapter shall be kept by every public and nonpublic school.

(b) In a public school, the record shall be open at all times for inspection by:

(1) attendance officers;

(2) school officials; and

(3) agents of the department of labor.

Every teacher shall answer fully all lawful inquiries made by an attendance officer, a school official, or an agent of the department of labor.

(c) In a nonpublic school, the record shall be required to be kept solely to verify the enrollment and attendance of a student upon request of the:

(1) state superintendent; or

(2) superintendent of the school corporation in which the nonpublic school is located.

As added by P.L.1-2005, SEC.17.

IC 20-33-2-21

Attendance reports

Sec. 21. (a) Each principal and teacher in a public school that is attended by a student subject to the compulsory school attendance law under this chapter shall furnish, on request of the superintendent of the school corporation in which they are employed, a list of:

(1) names;

(2) addresses; and

(3) ages;
of all minors attending the school. When a student withdraws from school, the principal and teacher shall immediately report to the superintendent the student's name and address and the date of the student's withdrawal.

(b) Each principal or school administrator in a nonpublic school that is attended by a student who is subject to the compulsory school attendance law under this chapter shall furnish, on request of the state superintendent, the number of students by grade level attending the school.

(c) If:

- (1) a student withdraws from a nonpublic school; and
- (2) no public or other nonpublic school has requested the student's educational records within fifteen (15) school days after the date the student withdrew from school;

the nonpublic school shall report to the state superintendent or the superintendent of the school corporation in which the nonpublic school is located, the name and address of the student and the date the student withdrew from school.

As added by P.L.1-2005, SEC.17.

IC 20-33-2-22

List of students no longer enrolled

Sec. 22. (a) Not later than fifteen (15) school days after the beginning of each semester, the principal of a public high school shall send to the superintendent with jurisdiction over the school a list of names and last known addresses of all students:

- (1) not graduated; and
- (2) not enrolled in the then current semester who were otherwise eligible for enrollment.

(b) Each superintendent immediately shall make available all lists received under this section to an authorized representative of:

- (1) Ivy Tech Community College of Indiana; and
- (2) an agency whose purpose it is to enroll high school dropouts in various training programs.

(c) Each representative authorized to receive a list prepared under subsection (b) shall stipulate in writing that the list will be used only to contact prospective students or prospective trainees. If a list is used for any other purpose, the college or agency that the recipient represents is ineligible to receive subsequent lists for five (5) years.

As added by P.L.1-2005, SEC.17. Amended by P.L.127-2005, SEC.27.

IC 20-33-2-23

Powers of certain officers to take children into custody

Sec. 23. (a) Each school attendance officer, sheriff, marshal, and police officer in Indiana may take into custody any child who:

- (1) is required to attend school under this chapter; and
- (2) is found during school hours, unless accompanied:
 - (A) by a parent; or

(B) with the consent of a parent, by a relative by blood or marriage who is at least eighteen (18) years of age; in a public place, in a public or private conveyance, or in a place of business open to the public.

(b) When an officer takes a child into custody under this section, the officer shall immediately deliver the child to the principal of the public or nonpublic school in which the child is enrolled. If a child is not enrolled in any school, then the officer shall deliver the child into the custody of the principal of the public school in the attendance area in which the child resides. If a child is taken to the appropriate school and the principal is unavailable, the acting chief administrative officer of the school shall take custody of the child.

(c) The powers conferred under this section may be exercised without warrant and without subsequent legal proceedings.

As added by P.L.1-2005, SEC.17.

IC 20-33-2-24

Principal; duties when truant child received

Sec. 24. (a) When a child is delivered into the custody of a principal or acting chief administrative officer under section 23 of this chapter, the principal or officer shall immediately place the child in class in the grade or course of study in which the child is enrolled or to which the child may be properly assigned.

(b) A child who is placed in class under this section shall not be kept at school beyond the regular hour of dismissal on that day for the grade or course of study in which the child is placed. As promptly as reasonably possible after placing a child in class under this section, the principal or acting chief administrative officer shall attempt to advise the child's parent of the facts of the case by telephone. The principal or acting chief administrative officer shall advise the parent of the facts of the case by mail on the same day the principal or officer receives the child.

As added by P.L.1-2005, SEC.17.

IC 20-33-2-25

Report to juvenile court intake officer; habitual absence from school

Sec. 25. The superintendent or an attendance officer having jurisdiction may report a child who is habitually absent from school in violation of this chapter to an intake officer of the juvenile court. The intake officer shall proceed in accord with IC 31-30 through IC 31-40.

As added by P.L.1-2005, SEC.17.

IC 20-33-2-26

Enforcement of chapter

Sec. 26. (a) It is the duty of each:

- (1) superintendent;
- (2) attendance officer; and
- (3) state attendance official;

to enforce this chapter in their respective jurisdictions and to execute the affidavits authorized under this section. The duty is several, and the failure of one (1) or more to act does not excuse another official from the obligation to enforce this chapter.

(b) An affidavit against a parent for a violation of this chapter shall be prepared and filed in the same manner and under the procedure prescribed for filing affidavits for the prosecution of public offenses.

(c) An affidavit under this section shall be filed in the circuit court of the county in which the affected child resides. The prosecuting attorney shall file and prosecute actions under this section as in other criminal cases. The court shall promptly hear cases brought under this section.

As added by P.L.1-2005, SEC.17.

IC 20-33-2-27

Compulsory attendance; parent's responsibility

Sec. 27. (a) It is unlawful for a parent to fail to ensure that the parent's child attends school as required under this chapter.

(b) Before proceedings are instituted against a parent for a violation of this section, personal notice of the violation shall be served on the parent by the superintendent or the superintendent's designee:

- (1) having jurisdiction over the public school where the child has legal settlement; or
- (2) of the transferee corporation, if the child has been transferred.

(c) Personal notice must consist of and take place at the time of the occurrence of one of the following events:

- (1) The date of personal delivery of notice.
- (2) The date of receipt of the notice sent by certified mail.
- (3) The date of leaving notice at the last and usual place of the residence of the parent.

If the violation is not terminated not more than one (1) school day after this notice is given, or if another violation is committed during the notice period, no further notice is necessary. Each day of violation constitutes a separate offense.

As added by P.L.1-2005, SEC.17.

IC 20-33-2-28

Compulsory attendance for full term; duty of parent

Sec. 28. (a) This section does not apply during a period when a child is excused from school attendance under this chapter.

(b) It is unlawful for a parent to:

- (1) fail;
- (2) neglect; or
- (3) refuse;

to send the parent's child to a public school for the full term as required under this chapter unless the child is being provided with instruction equivalent to that given in public schools.

As added by P.L.1-2005, SEC.17.

IC 20-33-2-28.5

Requirements for exit interview; reporting requirement

Sec. 28.5. (a) This section applies to an individual:

- (1) who:
 - (A) attends or last attended a public school;
 - (B) is at least sixteen (16) years of age but less than eighteen (18) years of age; and
 - (C) has not completed the requirements for graduation;
- (2) who:
 - (A) wishes to withdraw from school before graduation;
 - (B) fails to return at the beginning of a semester; or
 - (C) stops attending school during a semester; and
- (3) who has no record of transfer to another school.

(b) An individual to whom this section applies may withdraw from school only if all of the following conditions are met:

- (1) An exit interview is conducted.
- (2) The individual's parent consents to the withdrawal.
- (3) The school principal approves of the withdrawal.

During the exit interview, the school principal shall provide to the student and the student's parent a copy of statistics compiled by the department concerning the likely consequences of life without a high school diploma. The school principal shall advise the student and the student's parent that the student's withdrawal from school may prevent the student from receiving or result in the revocation of the student's employment certificate and driver's license or learner's permit.

(c) For purposes of this section, the following must be in written form:

- (1) An individual's request to withdraw from school.
- (2) A parent's consent to a withdrawal.
- (3) A principal's consent to a withdrawal.

(d) If the individual's principal does not consent to the individual's withdrawal under this section, the individual's parent may appeal the denial of consent to the governing body of the public school that the individual last attended.

(e) Each public school, including each school corporation and each charter school (as defined in IC 20-24-1-4), shall provide an annual report to the department setting forth the following information:

- (1) The total number of individuals:
 - (A) who withdrew from school under this section; and
 - (B) who either:
 - (i) failed to return to school at the beginning of a semester; or
 - (ii) stopped attending school during a semester;and for whom there is no record of transfer to another school.
- (2) The number of individuals who withdrew from school

following an exit interview.

(f) If an individual to which this section applies:

(1) has not received consent to withdraw from school under this section; and

(2) fails to return to school at the beginning of a semester or during the semester;

the principal of the school that the individual last attended shall deliver by certified mail or personal delivery to the bureau of child labor a record of the individual's failure to return to school so that the bureau of child labor revokes any employment certificates issued to the individual and does not issue any additional employment certificates to the individual. For purposes of IC 20-33-3-13, the individual shall be considered a dropout.

(g) At the same time that a school principal delivers the record under subsection (f), the principal shall deliver by certified mail or personal delivery to the bureau of motor vehicles a record of the individual's failure to return to school so that the bureau of motor vehicles revokes any driver's license or learner's permit issued to the individual and does not issue any additional driver's licenses or learner's permits to the individual before the individual is at least eighteen (18) years of age. For purposes of IC 9-24-2-1, the individual shall be considered a dropout.

(h) If:

(1) a principal has delivered the record required under subsection (f) or (g), or both; and

(2) the school subsequently gives consent to the individual to withdraw from school under this section;

the principal of the school shall send a notice of withdrawal to the bureau of child labor and the bureau of motor vehicles by certified mail or personal delivery and, for purposes of IC 20-33-3-13 and IC 9-24-2-1, the individual shall no longer be considered a dropout.

As added by P.L.242-2005, SEC.19.

IC 20-33-2-28.7

Department's compilation of statistics concerning likely consequences of withdrawing from school before graduation

Sec. 28.7. (a) The department of education shall compile and make available to schools statistics concerning the likely consequences of life without a high school diploma. The statistics must include, but are not limited to, statistics that show the likelihood of an individual's:

(1) unemployment or employment in a lower paying job; and

(2) involvement in criminal activity;

as the consequence of not obtaining a high school diploma.

(b) The department of education shall update the statistics made available under subsection (a) every two (2) years.

As added by P.L.242-2005, SEC.20.

IC 20-33-2-29

Children in certain institutions or facilities; compulsory school

attendance; reimbursement for space used within facilities for court placed student expenses

Sec. 29. (a) It is unlawful for a person operating or responsible for:

- (1) an educational;
- (2) a correctional;
- (3) a charitable; or
- (4) a benevolent institution or training school;

to fail to ensure that a child under the person's authority attends school as required under this chapter. Each day of violation of this section constitutes a separate offense.

(b) If a child is placed in an institution or facility under a court order, the institution or facility shall charge the county office of family and children of the county of the child's legal settlement under IC 12-19-7 for the use of the space within the institution or facility (commonly called capital costs) that is used to provide educational services to the child based upon a prorated per child cost.

As added by P.L.1-2005, SEC.17.

IC 20-33-2-30

Separate attendance district; requirement

Sec. 30. A school corporation having an average daily attendance of at least one thousand five hundred (1,500) students constitutes a separate attendance district.

As added by P.L.1-2005, SEC.17.

IC 20-33-2-31

Attendance officers; appointment in completely reorganized counties

Sec. 31. (a) In a county which has been completely reorganized into one (1) or more school corporations under IC 20-23-4, the governing body of each school corporation with at least one thousand five hundred (1,500) students in average daily attendance shall appoint an attendance officer. The governing body of each school corporation that has fewer than one thousand five hundred (1,500) students in average daily attendance may appoint an attendance officer. If the governing body of a school corporation that has discretion in whether or not to appoint an attendance officer declines to make an appointment, the superintendent of the school corporation shall serve as ex officio attendance officer under section 35 of this chapter.

(b) Whenever the governing body of a school corporation makes an appointment under this section, it shall appoint an individual nominated by the superintendent. However, the governing body may decline to appoint any nominee and require another nomination. The salary of each attendance officer appointed under this section shall be fixed by the governing body. In addition to salary, the attendance officer is entitled to receive reimbursement for actual expenses necessary to properly perform the officer's duties. The salary and expenses of an attendance officer appointed under this section shall

be paid by the treasurer of the school corporation.
As added by P.L.1-2005, SEC.17.

IC 20-33-2-32

Attendance officers in certain counties

Sec. 32. (a) In a county that has not been completely reorganized under IC 20-23-4, the governing body of each school corporation that constitutes a separate attendance district under section 30 of this chapter shall appoint an attendance officer. One (1) additional attendance officer may be appointed for every seven thousand five hundred (7,500) students in average daily attendance in the corporation.

(b) Whenever the governing body of a school corporation makes an appointment under this section, it shall appoint an individual nominated by the superintendent. However, the governing body may decline to appoint any nominee and require another nomination. The salary of each attendance officer appointed under this section shall be fixed by the governing body. In addition to salary, the officer is entitled to receive reimbursement for actual expenses necessary to properly perform the officer's duties. The salary and expenses of an attendance officer appointed under this section shall be paid by the treasurer of the county in which the officer serves, on a warrant signed by the county auditor. The county council shall appropriate, and the board of county commissioners shall allow, the funds necessary to make these payments. However, a warrant shall not be issued to an attendance officer until the attendance officer has filed an itemized statement with the county auditor. This statement shall show the time employed and expenses incurred. The superintendent shall approve the statement and certify that it is correct.

As added by P.L.1-2005, SEC.17. Amended by P.L.231-2005, SEC.43.

IC 20-33-2-33

Attendance officers; appointment in remainder attendance districts

Sec. 33. (a) In a county that has not been completely reorganized under IC 20-23-4, all school corporations that do not individually constitute separate attendance districts under section 30 of this chapter together constitute a remainder attendance district. The governing bodies of each remainder attendance district with at least one thousand five hundred (1,500) students in average daily attendance shall appoint an attendance officer. One (1) additional attendance officer may be appointed for every seven thousand five hundred (7,500) students in average daily attendance in the district. The governing bodies of a remainder attendance district with less than one thousand five hundred (1,500) students in average daily attendance may appoint an attendance officer. If the governing bodies have discretion in whether or not to appoint an attendance officer and decline to make an appointment, the superintendent or superintendents involved shall serve as ex officio attendance officers

under section 35 of this chapter.

(b) The governing bodies of the school corporations involved shall together form an appointing authority for attendance officers with the governing body of each school corporation having one (1) vote. This appointing authority shall appoint an individual nominated by the superintendent. However, the appointing authority may reject any nominee and require another nomination. The salary of each attendance officer appointed under this section shall be fixed by the appointing authority. In addition to salary, the officer is entitled to receive reimbursement for actual expenses necessary to properly perform the officer's duties. The salary and expenses of an attendance officer appointed under this section shall be paid by the treasurer of the county in which the officer serves, on a warrant signed by the county auditor. The county council shall appropriate, and the board of county commissioners shall allow, the funds necessary to make these payments. However, a warrant may not be issued to an attendance officer until the officer has filed an itemized statement with the county auditor. This statement must show the time employed and expenses incurred. The appropriate superintendent shall approve the statement and certify that it is correct.

As added by P.L.1-2005, SEC.17.

IC 20-33-2-34

Attendance officers in certain counties; appointment in separate attendance districts

Sec. 34. (a) This section applies to a county having a population of:

- (1) more than twenty-seven thousand (27,000) but less than twenty-seven thousand two hundred (27,200); or
- (2) more than one hundred forty-five thousand (145,000) but less than one hundred forty-eight thousand (148,000).

(b) Notwithstanding sections 32 and 33 of this chapter, in a county that has not been completely reorganized under IC 20-23-4, the governing body of each school corporation constituting a separate attendance district under section 30 of this chapter shall appoint an attendance officer. One (1) additional attendance officer may be appointed for every seven thousand five hundred (7,500) students in average daily attendance in the school corporation. The governing body of each school corporation that does not individually constitute a separate attendance district may appoint an attendance officer.

(c) If the governing body of the school corporation makes an appointment under this section, it shall appoint an individual who is nominated by the superintendent of the school corporation. However, the governing body may decline to appoint a nominee and may require another nomination to be made by the superintendent. If the governing body has discretion in whether to appoint an attendance officer under subsection (b) and declines to make an appointment, the superintendent of the school corporation involved shall serve as ex officio attendance officer under section 35 of this chapter.

(d) The salary, including fringe benefits, of each attendance

officer appointed under this section shall be fixed by the governing body of the school corporation and shall be paid by the treasurer of the school corporation.

(e) Each attendance officer appointed under this section is entitled to receive reimbursement from the school corporation for the actual and necessary expenses incurred by the attendance officer in the proper performance of the attendance officer's duties.

As added by P.L.1-2005, SEC.17.

IC 20-33-2-35

Ex officio attendance officers

Sec. 35. If the governing body of a school corporation elects not to appoint an attendance officer under section 31 of this chapter or an appointing authority elects not to appoint an attendance officer under section 33 of this chapter, the superintendent shall serve as an ex officio attendance officer. A superintendent acting in this capacity may designate one (1) or more teachers as assistant attendance officers. These assistant attendance officers shall act under the superintendent's direction and perform the duties the superintendent assigns. Ex officio attendance officers and assistant attendance officers appointed under this section shall receive no additional compensation for performing attendance services.

As added by P.L.1-2005, SEC.17.

IC 20-33-2-36

Joint employment of attendance officer

Sec. 36. The governing bodies of two (2) or more school corporations may enter into a voluntary mutual agreement for the joint employment of an attendance officer. The agreement must stipulate the manner in which the joint attendance officer is appointed, paid, and supervised. The attendance officer may then be appointed, paid, and supervised under the terms of the agreement. However, compensation for any attendance officer employed under this section shall be paid entirely by the school corporations involved with no assistance from the civil government.

As added by P.L.1-2005, SEC.17.

IC 20-33-2-37

Attendance officers; appointment in optional separate district

Sec. 37. The governing body of a school corporation that has fewer than one thousand five hundred (1,500) students in average daily attendance may organize the school corporation as a separate attendance district and appoint an attendance officer. The governing body, in making the appointment, shall appoint an individual nominated by the superintendent. However, it may decline to appoint any nominee and require another nomination. All compensation for an attendance officer appointed under this section shall be paid by the treasurer of the school corporation in which the officer is employed.

As added by P.L.1-2005, SEC.17.

IC 20-33-2-38**Attendance officers; appointment of additional officers**

Sec. 38. Any school corporation, attendance district, or remainder attendance district may appoint more attendance officers than are specifically authorized or required under this chapter. However, these additional attendance officers shall be appointed in the same manner as required by law for other attendance officers. Compensation for additional attendance officers appointed under this section shall be paid entirely by the school corporation or school corporations involved.

As added by P.L.1-2005, SEC.17.

IC 20-33-2-39**Attendance officers; duties**

Sec. 39. An attendance officer has the following duties:

- (1) To serve subject to the rules, direction, and control of the superintendent in the attendance officer's attendance district.
- (2) To maintain an office at a place designated by the superintendent.
- (3) To be on duty during school hours and at other times as the superintendent may request.
- (4) To keep records and make reports as required by the state board.
- (5) To visit the homes of children who are absent from school or who are reported to be in need of books, clothing, or parental care.
- (6) Whenever the superintendent directs or approves it, to bring suit to enforce any provision of this chapter that is being violated.
- (7) To serve written notice on any parent whose child is out of school illegally.
- (8) To visit factories where children are employed.
- (9) To perform other duties necessary for complete enforcement of this chapter.

As added by P.L.1-2005, SEC.17.

IC 20-33-2-40**Attendance officers; special powers**

Sec. 40. (a) Each attendance officer may serve original and other process in cases arising under this chapter.

(b) An attendance officer may enter any place where a child is employed to determine whether violations of this chapter or of IC 20-33-3 have occurred. When an attendance officer or a school official is exercising the power granted under this subsection, any officer, manager, director, employee or other person who refuses to permit the attendance officer's or the school official's entry into a place of business or interferes with his investigation in any way commits a violation of this chapter.

As added by P.L.1-2005, SEC.17.

IC 20-33-2-41**Attendance officers; licensing required; exception**

Sec. 41. With the exception of ex officio attendance officers, an individual may not hold the position of attendance officer unless the individual has complied with all standards of the department and has been properly licensed by the department.

As added by P.L.1-2005, SEC.17. Amended by P.L.246-2005, SEC.178.

IC 20-33-2-42**Attendance; duties of state superintendent of public instruction**

Sec. 42. The state superintendent shall:

- (1) prescribe duties for the state attendance officer not provided by law;
- (2) fix qualifications for local attendance officers;
- (3) design and require use of a system of attendance reports, records, and forms necessary for the enforcement of this chapter; and
- (4) perform all other duties necessary for the complete enforcement of this chapter.

As added by P.L.1-2005, SEC.17.

IC 20-33-2-43**State attendance officers; appointment; removal; duties; powers**

Sec. 43. (a) The state superintendent shall appoint a state attendance officer. The state attendance officer serves at the pleasure of the state superintendent and may be removed by the state superintendent at any time.

(b) The state attendance officer shall:

- (1) exercise general supervision over the attendance officers of Indiana;
- (2) visit the various attendance districts throughout Indiana;
- (3) inspect the work of the attendance officers; and
- (4) investigate the manner in which this chapter is being enforced.

(c) The state attendance officer may initiate court action whenever necessary for the enforcement of this chapter.

As added by P.L.1-2005, SEC.17.

IC 20-33-2-44**Penalty**

Sec. 44. (a) This section does not apply to section 47 of this chapter.

(b) A person who knowingly violates this chapter commits a Class B misdemeanor.

As added by P.L.1-2005, SEC.17.

IC 20-33-2-45**State board; supervision; rules**

Sec. 45. (a) The state board shall exercise general supervision by

resolution over the attendance system of the state.

(b) The state board may adopt rules under IC 4-22-2 pertaining to the state attendance system and the enforcement of this chapter.

As added by P.L.1-2005, SEC.17.

IC 20-33-2-46

Compulsory attendance; exception; disability

Sec. 46. (a) With the approval of the state board, a superintendent may exclude or excuse a student found mentally or physically unfit for school attendance. An exclusion or excuse under this section is valid only for the school year during which it is issued.

(b) A superintendent's action under this section must be in accordance with limitations and regulations established by the state board concerning the procedures and requirements for the complete examination of students.

(c) A student may not be compelled to undergo any examination or treatment under this chapter when the student's parent objects on religious grounds, which consists of a good faith reliance on spiritual means or prayer for healing. The objection is not effective unless it is:

- (1) made in writing;
- (2) signed by the student's parent; and
- (3) delivered to the student's teacher or to the individual who might order an examination or treatment absent the objection.

A student may not be excluded under this section except as provided under IC 20-33-8.

As added by P.L.1-2005, SEC.17.

IC 20-33-2-47

School corporations; notification of absences; reports to local health departments

Sec. 47. (a) A school corporation may develop and implement a system of notifying the parent of a student when:

- (1) the student fails to attend school; and
- (2) the student does not have an excused absence for that day.

(b) A school corporation or an accredited nonpublic school shall report to the local health department the percentage of student absences above a threshold determined by the department by rule adopted under IC 4-22-2.

(c) If a school corporation implements a notification system under this chapter, the attendance officer or the attendance officer's designee shall make a reasonable effort to contact by telephone the parent of each student who has failed to attend school and does not have an excused absence for that day.

(d) If an attendance officer or an attendance officer's designee has made a reasonable effort to contact a parent under subsection (c), the school corporation is immune from liability for any damages suffered by the parent claimed because of failure to contact the parent.

As added by P.L.1-2005, SEC.17.